

REMARKS

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the Office Action mailed October 31, 2007. Applicants respectfully submit that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 5 – 12, 20 – 27, and 38 are pending. In particular, Applicants amend claims 5 – 17, 20 – 27, and 38 and cancel claims 1 – 4, 13 – 19, 28 – 37, and 39 – 43 without prejudice, waiver, or disclaimer. Applicants cancel claims 1 – 4, 13 – 19, 28 – 37, and 39 – 43 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Examiner Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Dennison spent with Applicants' Attorney, Anthony Bonner, during a telephone discussion on December 12, 2007 regarding the outstanding Office Action. During that conversation, Examiner Dennison and Mr. Bonner discussed potential arguments and amendments with regard to claim 5, in view of *Isaacs*. The general thrust of the potential principal arguments included a discussion of at least one embodiment of the present application disclosing a time indication displaying the time that the message was sent. More specifically, Examiner Dennison indicated that such an amendment would be beneficial. Applicants respectfully request that Examiner Dennison carefully consider this response and the amendments.

II. Rejections Under 35 U.S.C. §101

The Office Action indicates that claims 18 – 36 stand rejected under 35 U.S.C. §101, claiming that the invention is allegedly directed to non-statutory subject matter. Applicants amend claims 20 – 27 and cancel claims 18 – 19 and 28 – 36, as indicated above. Applicants submit that these amendments comply with the Office Action request and that claims 20 – 27, as amended, are allowable in view of 35 U.S.C. §101.

III. Rejections Under 35 U.S.C. §102

A. Claim 5 is Allowable Over /saacs

The Office Action indicates that claim 5 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Publication Number 2006/0075056 (“/saacs”). Applicants respectfully traverse this rejection on the grounds that /saacs does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 5, as amended, recites:

A communication method comprising:
displaying a first instant messaging (IM) message;
calculating an elapsed time from the displaying of the first IM message;
determining whether a second IM message has been displayed within the elapsed time;
displaying a first time indication, the first time indication being associated with the first IM message, the first time indication being displayed in response to determining that the second IM message has not been displayed within the elapsed time, **the first time indication displaying a time that the first message was sent.**

(Emphasis added)

As indicated above, Examiner Dennison indicated that an amendment that includes “**the first time indication displaying a time that the first message was sent**” would be beneficial. For at least this reason, claim 5, as amended, is allowable.

B. Claim 20 is Allowable Over Isaacs

The Office Action indicates that claim 20 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Publication Number 2006/0075056 (“Isaacs”). Applicants respectfully traverse this rejection on the grounds that *Isaacs* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 20, as amended, recites:

A computer-readable storage medium comprising:
a processor; and
a memory configured to store:

computer-readable code adapted to instruct a programmable device to display a first instant messaging (IM) message;

computer-readable code adapted to instruct a programmable device to calculate an elapsed time from the computer-readable code adapted to instruct a programmable device to display of the first IM message;

computer-readable code adapted to instruct a programmable device to determine whether a second IM message has been displayed within the elapsed time;

computer-readable code adapted to instruct a programmable device to display a first time indication, the first time indication being associated with the first IM message, the first time indication being displayed in response to computer-readable code adapted to instruct a programmable device to determine that the second IM message has not been displayed within the elapsed time, ***the first time indication displaying a time that the first message was sent.***

(Emphasis added)

As indicated above, Examiner Dennison indicated that an amendment that includes “***the first time indication displaying a time that the first message was sent***” would be beneficial. For at least this reason, claim 20, as amended, is allowable.

C. Claim 38 is Allowable Over Isaacs

The Office Action indicates that claim 38 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Publication Number 2006/0075056 (“Isaacs”). Applicants respectfully traverse this rejection on the grounds that *Isaacs* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 38 recites:

A communication system comprising:
message-display logic configured to display a first instant messaging (IM) message;
time-calculation logic configured to calculate an elapsed time from the display of the first IM message;
determination logic configured to determine whether a second IM

message has been displayed within the elapsed time;

time-display logic configured to display a first time indication, the first time indication being associated with the first IM message, the first time indication being displayed in response to determine that the second IM message has not been displayed within the elapsed time, ***the first time indication displaying the time the first message was sent.***

(Emphasis added)

As indicated above, Examiner Dennison indicated that an amendment that includes “***the first time indication displaying a time that the first message was sent***” would be beneficial. For at least this reason, claim 38, as amended, is allowable.

D. Claims 6 and 21 are Allowable Over Isaacs

The Office Action indicates that claims 6 and 21 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Publication Number 2006/0075056 (“Isaacs”). Applicants respectfully traverse this rejection on the grounds that *Isaacs* does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claim 6 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 5. Further, dependent claim 21 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 20. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

IV. Rejections Under 35 U.S.C. §103

A. Claims 7 and 22 are Allowable Over Isaacs

The Office Action indicates that claims 7 and 22 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2006/0075056 (“Isaacs”). Applicants respectfully traverse this rejection for at least the reason that *Isaacs* fails to disclose, teach, or suggest all of the elements of claims 7 and 22. More specifically, dependent claim 7 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 5. Further, dependent claim 22 is believed to be allowable for at least the reason that it depends from and includes the

elements of allowable independent claim 20. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

B. Claims 8 – 12 and 23 – 27 are Allowable Over Isaacs in view of AAPA

The Office Action indicates that claims 8 – 12 and 23 – 27 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2006/0075056 (“Isaacs”) in view of Applicants Admitted Prior Art (“AAPA”). Applicants respectfully traverse this rejection for at least the reason that *Isaacs* in view of AAPA fails to disclose, teach, or suggest all of the elements of claims 8 – 12 and 23 – 27. More specifically, dependent claims 8 – 12 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 5. Further, dependent claims 23 – 27 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 20. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

C. Claims 14 – 17 are Allowable Over AAPA in view of Isaacs

The Office Action indicates that claims 14 – 17 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Applicants Admitted Prior Art (“AAPA”) in view of U.S. Publication Number 2006/0075056 (“Isaacs”). Applicants respectfully traverse this rejection for at least the reason that AAPA in view of *Isaacs* fails to disclose, teach, or suggest all of the elements of claims 14 – 17. More specifically, dependent claims 14 – 17 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 13. Dependent claims 29 – 36 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 28. Further, dependent claims 40 – 43 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 39. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

V. **Canceled Claims**

Additionally, the Office Action rejects claims 1 – 4, 13 – 19, 28 – 37, and 39 – 43 for various reasons. Applicants cancel these claims, thus rendering any issue with regard to these claims moot.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/
Anthony F. Bonner Jr. Reg. No. 55,012

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1500
600 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500
Customer No.: **38823**